IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3148 OF 2005

Vinod Prabhakar Parkar ...Petitioner
vs.
Municipal Corporation of
Greater Bombay & Ors. ...Respondents

Ms Jyoti Chavan for the petitioner
Ms P.A.Purandare for respondent No.1
Mr.Bhadrashetye i/b M/s.Ghanekar & Co. for Respondent No.2

CORAM:H.L.GOKHALE & A.S.OKA,JJ.
DATE : FEBRUARY 16,2006

P.C.:

1. Heard Ms Chavan in support of this Petition, Ms Purandare for Respondent No.1 and Mr.Bhadrashetye for respondent No.2. The Petitioner who has filed this Petition claims to be an heir of the original land owner. On the concerned land, a scheme under the provisions of 33(7) of Development Control Regulation is being developed. The Petitioner is seeking to challenge that. He is having one structure on the concerned land viz. Plot No.F.P. 232, Maplawadi, Mahim Mumbai 400 016.

2. The learned Counsel for Respondent No.2 has pointed out that the very Petitioner along with his brothers had filed one Petition earlier viz. W.P.No.2152 of 2002. That Petition came to be dismissed by a Division Bench by observing that the concerned plot is vested in the B.M.C. as per award dated 31st May 1960 in the Town Planning scheme. This being the

position, it is not possible to entertain this Petition. Petition is dismissed.

3. As far as the structure of the Petitioner is concerned, he is facing eviction proceedings. He has filed an Appeal before the Principal Judge of the City Civil Court, Mumbai. That Appeal will be decided on its own merits.

(H.L.GOKHALE,J.)

(ABHAY S.OKA,J.)